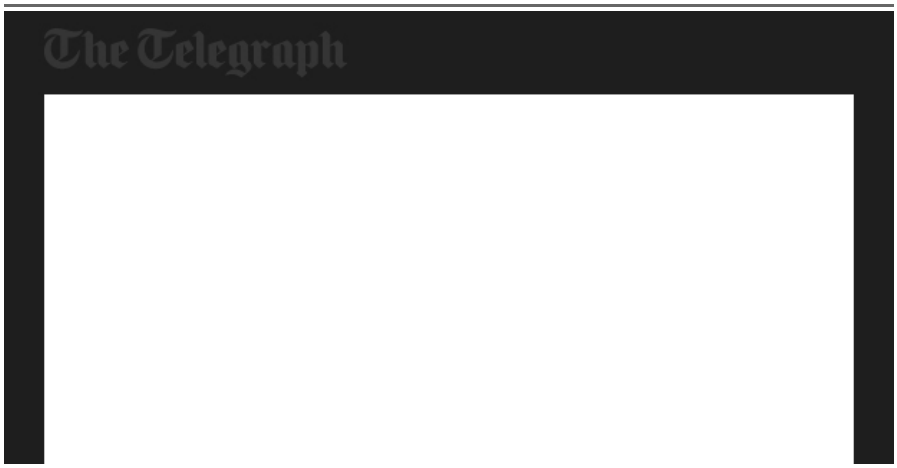
Wikipedia refuses to delete photo as 'monkey owns it'

Wikimedia, the non-profit organisation behind Wikipedia, has refused a photographer's repeated requests to stop distributing his most famous shot for free – because a monkey pressed the shutter button and should own the copyright



By **Matthew Sparkes**, Deputy Head of Technology
12:03PM BST 06 Aug 2014

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Wikimedia, the US-based organisation behind Wikipedia, has refused a photographer's repeated requests to remove one of his images which is used online without his permission, claiming that because a monkey pressed the shutter button it should own the copyright.

British nature photographer David Slater was in Indonesia in 2011 attempting to get the perfect image of a crested black macaque when one of the animals came up to investigate his equipment, hijacked a camera and took hundreds of selfies.

The Wikipedia entry

Many of them were blurry and some were pointed at the jungle floor, but among them were a handful of fantastic images - including a selfie taken by a grinning female macaque which made headlines around the world and brought Mr Slater his 15 minutes of fame.

"They were quite mischievous jumping all over my equipment, and it looked like they were already posing for the camera when one hit the button," **he said at the time**. "The sound got his attention and he kept pressing it. At first it scared the rest of them away but they soon came back - it was amazing to watch.

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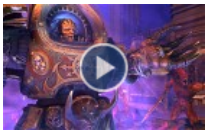

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"He must have taken hundreds of pictures by the time I got my camera back, but not very many were in focus. He obviously hadn't worked that out yet."

The monkey selfie, right, made headlines around the world Photo: David J Slater/Caters

But after appearing on websites, newspapers, magazines and television shows around the world, Mr Slater is now facing a legal battle with Wikimedia after the organisation added the image to its collection of royalty-free images online. The **Wikimedia Commons** is a collection of 22,302,592 images and videos that are free to use by anyone online, and editors have included Mr Slater's image among its database.

The Gloucestershire-based photographer now claims that the decision is jeopardising his income as anyone can take the image and publish it for free, without having to pay him a royalty. He complained To Wikimedia that he owned the copyright of the image, but a recent transparency report from the group, which details all the removal requests it has received, reveals that editors decided that Mr Slater has no claim on the image as the monkey itself took the picture.

Mr Slater now faces an estimated £10,000 legal bill to take the matter to court.

“If the monkey took it, it owns copyright, not me, that’s their basic argument. What they don’t realise is that it needs a court to decide that,” he said.

The image has been removed in the past when he complained, but different editors regularly upload it once again.

“Some of their editors think it should be put back up. I’ve told them it's not public domain, they’ve got no right to say that its public domain. A monkey pressed the button, but I did all the setting up.”

Mr Slater said that the photography trip was extremely expensive and that he has not made much money from the image despite its enormous popularity.

“That trip cost me about £2,000 for that monkey shot. Not to mention the £5,000 of equipment I carried, the insurance, the computer stuff I used to process the images. Photography is an expensive profession that’s being encroached upon. They’re taking our livelihoods away,” he said.

“For every 10,000 images I take, one makes money that keeps me going. And that was one of those images. It was like a year of work, really.”

In its report Wikimedia said that it "does not agree" that the photographer owns the copyright, but also that US law means that "non-human authors" do not have the right to automatic copyright of any photographs that they take.

"To claim copyright, the photographer would have had to make substantial contributions to the final image, and even then, they'd only have copyright for those alterations, not the underlying image. This means that there was no one on whom to bestow copyright, so the image

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falls into the public domain," it said.

Wikimedia's editors are split on the legal issues. One user, Saffron Blaze, said in a **comment section associated with the photo**: "I am not sure I am convinced by the no copyright argument. In this case the outcome was very disrespectful of the photographer who created the conditions that allowed these photos to be created. There are some jurisdictions where even the monkey could be imbued with the copyright as its creator."

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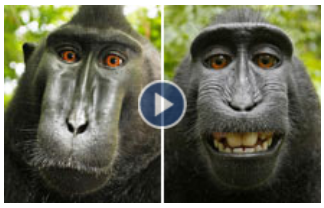

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